



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,562	02/22/2006	Achim Pfeifer	GKNG 1265 PCT	8343
27256	7590	11/02/2007	EXAMINER	
Dickinson Wright PLLC 38525 Woodward Avenue Suite 2000 Bloomfield Hills, MI 48304			THOMAS, ALEXANDER S	
			ART UNIT	PAPER NUMBER
			1794	
			MAIL DATE	DELIVERY MODE
			11/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,562

Applicant(s)

PFEIFER ET AL.

Examiner

Alexander Thomas

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 13-31 is/are pending in the application.
- 4a) Of the above claim(s) 16-19,21,23,25,27,29 and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,13-15,20,22,24,26,28 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/27/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of species I in the reply filed on 10/11/07 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

2. Claims 1, 13-15, 20, 22, 24, 26, 28 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear whether claim 1 is directed to a boot per se or to the combination of a boot and some other assembly. For example, line 1 of claim 1 is directed to a boot per se, however, lines 17-20 are directed to the boot in combination with other assembly in view of the phrase "after assembly". The claims will be examined on the merits as if a boot per se is being claimed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1794

4. Claims 1, 13-15, 20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Skinner 4,242,164. The reference discloses a boot 26 comprising a first collar, a second collar larger in diameter than the first collar and an annular wall connecting the collars that widens from the first collar to the second collar in a S-shaped way; see Figure 4. The boot also has wall portions next to the collars that are approximately parallel to the axis of the boot. The statements of intended use in lines 1-4 of claim 1 do not add any patentably significant structural features to the claimed boot.

5. Claims 1, 13-15, 22, 24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by the Japanese patent document 10318379. The reference discloses a boot comprising a first collar, a second collar larger in diameter than the first collar and an annular wall connecting the collars that widens from the first collar to the second collar in a S-shaped way; see Figure 2. The boot also has wall portions next to the collars that are approximately parallel to the axis of the boot. The statements of intended use in lines 1-4 of claim 1 do not add any patentably significant structural features to the claimed boot.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 20 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese patent document 10318379 in view of Welschof et al 4,392,838. The primary reference discloses a boot comprising a first collar, a second collar larger in diameter than the first collar and an annular wall connecting the collars that widens from the first collar to the second collar in a S-shaped way; see Figure 2. However, it does not disclose a thickened first collar or a protective sleeve at the first collar. Both of these features are well-known in the sealing boot art, for example see Figure 1 of Welschof et al. It would have been obvious to one of ordinary skill in the art to use these two well-known boot features as taught in the secondary art in the product of the primary reference to improve sealing properties of the boot.

8. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese patent document 10318379 in view of Schwarzler 6,179,717. The primary reference discloses a boot comprising a first collar, a second collar larger in diameter than the first collar and an annular wall connecting the collars that widens from the first collar to the second collar in a S-shaped way; see Figure 2. However, it does not disclose the use of ventilation grooves. The secondary reference discloses the use of two axial grooves 25 in combination with a circumferential groove to ventilate and prevent the entry of dirt and moisture in a boot; see column 3, lines 25-32. It would have been obvious to one of ordinary skill in the art to provide the boot of the primary reference with the ventilation structure of the secondary reference to prevent the entry of dirt and moisture.

Art Unit: 1794

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Thomas whose telephone number is 571-272-1502. The examiner can normally be reached on 6:30-4:00 M-THUR.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Thomas/
Primary Examiner
Art Unit 1794